

REMARKS

In accordance with the foregoing, claims 5, 13, and 15-20 have been cancelled without prejudice or disclaimer, claims 1, 3, 6, 10, 12, and 14 have been amended, and claims 21-25 have been added. No new matter is being presented. Therefore, claims 1-4, 6-12, and 14 are pending and reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §112:

Claims 1-14 are rejected under 35 U.S.C. §112, second paragraph, as indefinite. However, since claims 1, 3, 10, and 12 have been amended in accordance with the comments of the Examiner, it is believed that these rejections are overcome.

REJECTIONS UNDER 35 U.S.C. §102:

Claims 1, 2, 5, 6, 8, 10, 11 and 13-14 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication 2000-231917. Claims 1, 2 and 7-11 are rejected under 35 U.S.C. §102(b) as being anticipated by Japanese Patent Publication 2002-367577. These rejections are traversed.

Regarding the rejections of claims 1 and 10, it is noted that claims 1 and 10 both recite that the electrode port includes an insertion whose diameter steadily increases from the head to an end thereof.

Neither the '917 nor the '577 publications disclose an increasing diameter of an insertion as in the claimed invention. With respect to the '577 publication, this fact was acknowledged by the Examiner at page 14, line 4 of the Office Action and is clearly true in view of FIG. 1 of the '577 publication. With respect to the '917 publication, this fact is clearly true in view of FIG. 1a of the '917 publication.

While FIGS. 2 and 5 of the '917 publication, and FIG. 1 of Japanese Patent Publication 2001-185100 disclose hourglass-like insertions in which portions of the respective insertions do have diameters that increase, these references also disclose that the respective insertions have diameters that decrease as a function of a distance from the respective heads. However, since each of these disclosures includes a decrease in the diameters of the respective insertions, neither of the publications teach diameters of the respective insertions that steadily increase

from the head to an end thereof (emphasis added).

Thus, applicants respectfully assert that claims 1 and 10 are patentably distinguished from the cited references. Therefore, the rejections of claims 1 and 10 are believed to be overcome.

Regarding the rejections of claims 2, 6, 8, 11, and 14, it is noted that these claims depend from claims 1 and 10 and that, therefore, these claims are allowable for at least the reasons set forth above.

REJECTIONS UNDER 35 U.S.C. §103:

Claims 3, 4 and 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over either Japanese Patent Publication 2000-231917 or Japanese Patent Publication 2002-367577 in view of Great Britain Patent 2111295. However, since the '295 reference fails to cure the defects of both the '917 and the '577 publications, applicants respectfully assert that these rejections of claims 3, 4, and 12 are overcome.

Claims 5, 6, 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Japanese Patent Publication 2002-367577 in view of Japanese Patent Publication 2001-185100. These rejections are moot since claims 5 and 13 have been cancelled and since claims 6 and 14 formally depended on claims 5 and 13 and now depend directly from claims 1 and 10.

As similarly, noted with respect to claims 1 and 10, claims 5 and 13 are patentably distinguished from the disclosure of the '100 publication due at least to the fact that the '100 publication fails to disclose diameters of the respective insertions that steadily increase *from the head to an end thereof* (emphasis added), as discussed above.

In addition, it is noted that the Examiner suggested that "[t]he change in the shape of the electrode port is not held to be a patentable distinction. Applicants disagree with this analysis and note that the shape of the insertion of the electrode port provides tighter binding of the port plate, the insulating member, and the electrode port such that the change has a physical result. *See the specification at paragraph [0030]*. Applicants further assert that, since the seal created by the hourglass-like structure disclosed by the '100 publication is not complete (note the space between the plate 15 and the insertion 4B of FIG. 1), the tighter binding of the claimed invention cannot be duplicated by the disclosure of the '100 publication. Thus, it is believed that the

claimed shape of the insertion is clearly related to an important aspect of the invention and, as such, the claimed shape of the insertion is a patentable distinction.

ADDED CLAIMS 21-25:

Claims 21 and 22, which depend from claim 1, and claims 23-25, which depend from claim 10, have been added and are believed to be allowable due at least to the reasons set forth above.


CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. Finally, if there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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